



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/567,820

09/25/2006

Markus Huber

GRUNP57

4420

49691

7590

09/03/2008

IP STRATEGIES
12 1/2 WALL STREET
SUITE E
ASHEVILLE, NC 28801

EXAMINER

CHAUDRY, ATIF H

ART UNIT

PAPER NUMBER

3753

MAIL DATE

DELIVERY MODE

09/03/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/567,820	Applicant(s) HUBER ET AL.	
	Examiner ATIF H. CHAUDRY	Art Unit 3753	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 February 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 February 2006 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>10/02/06</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 8 and 14 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
3. Claim 8 recites the limitation "the removable opening" in line 2. There is insufficient antecedent basis for this limitation in the claim.
4. Claim 14 recites the limitation "the actuatable shut-off device" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Drawings

1. New corrected drawings in compliance with 37 CFR 1.121(d) are required in this application because the drawings are informal. Applicant is advised to employ the services of a competent patent draftsman outside the Office, as the U.S. Patent and Trademark Office no longer prepares new drawings. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.
2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the pressure relief valve recited in claim 12 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1, 2, 4, 5, 6, 16, and 18 are rejected under 35 U.S.C. 102(b) as being anticipated by Barriac (US Patent 5657909).

Art Unit: 3753

5. Barriac (fig. 1) discloses a closure device 20 for a container 23 for liquid comprising: a pressure equalization device 34, which provides a fluid connection between a gas space 25 of the container and the outside, wherein the pressure equalization device comprises a flexible pressure equalization pipe 34 with a float 39, on which one end of the flexible pressure equalization pipe 34 is fastened such that it opens into the gas space 25; a liquid duct 36; and a flexible liquid suction pipe 34, which communicates at one end with the liquid duct 36 and which at another end 37 is connected to the float and immersed in liquid by the float weight when liquid is present in the container 23 further comprising an actuatable valve 29, the actuation of which establishes a fluid connection between the interior and the exterior of the container through the liquid duct.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to

Art Unit: 3753

consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

8. Claims 1 and 2 are alternatively rejected and claims 3, 9, 12, 14, and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Laible (US Patent 6142345) in view of Barriac (US Patent 5657909).

9. Regarding claims 1 and 8, Laible (fig. 3) discloses a closure device 10 press-fitted into a removal opening 12 of a container 14 for a liquid comprising: a pressure equalization device 62, which provides a fluid connection between a gas space of the container and the outside, a liquid duct 24; and a liquid suction pipe 26, which communicates at one end with the liquid duct. Liabile fails to disclose a flexible pressure equalization pipe with a float. Barriac (fig. 1) teaches a closure device 20 for a container 23 for liquid comprising: a pressure equalization device 34, which provides a fluid connection between a gas space 25 of the container and the outside, wherein the pressure equalization device comprises a flexible pressure equalization pipe 34 with a float 39, on which one end of the flexible pressure equalization pipe 34 is fastened such that it opens into the gas space 25; a liquid duct 36; and a flexible liquid suction pipe 34, which communicates at one end with the liquid duct 36 and which at another end 37 is connected to the float and immersed in liquid by the float weight when liquid is present in the container 23 further comprising an actuatable valve 29, the actuation of which establishes a fluid connection between the interior and the exterior of the container through the liquid duct. It would have been obvious to a person having ordinary skill in the art at the time of the invention to have provided the closure device disclosed by

Art Unit: 3753

Laible with a flexible pressure equalization pipe with a float and a liquid suction pipe connected to the bottom part of the float as taught by Barriac in order to keep the vent pipe exposed to air in the tank and the liquid suction pipe immersed in the liquid.

10. Regarding claims 2, 3, and 9, Laible discloses an actuatable shut-off valve 36 formed such that it can only be actuated by a connection device 76 for an external liquid pipe 104 such that connection device 76 is fitted on the removal opening 12 for a conventional closure of the opening.

11. Regarding claim 12, Laible discloses pressure equalization device comprising a pressure relief valve 62.

12. Regarding claim 13, Laible discloses a liquid conveyance system, in particular for the supply of fuel to a fuel cell system comprising: a closure device 10 as described above; a connection device 76, which can be connected to the closure device 10, to establish a fluid connection between the liquid suction pipe 26 of the closure device 10 and an external liquid pipe 104 via the closure device 10.

13. Regarding claims 14 and 17, Laible discloses an actuatable shut-off valve 36 formed such that it can only be actuated by a connection device 76 for an external liquid pipe 104 such that connection device 76 is fitted on the removal opening 12 for a conventional closure of the opening.

14. Claims 11, 15, and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Laible (US Patent 6142345) in view of Barriac (US Patent 5657909) further in view of Rauworth et al. (US Patent 6648182).

Art Unit: 3753

15. Laible fails to disclose the connection device 76 having a vent passage.

Rauworth et al. (fig. 3) teaches a connection device 140 for connecting to a liquid tank closure device 116 having an external liquid pipe connection 142 and an external vent pipe connection 144. It would have been obvious to a person having ordinary skill in the art at the time of the invention to have provided the closure device disclosed by Laible with a connection device having an external vent pipe connection as taught by Rauworth et al. in order to prevent access of outside environment through the vent pipe.

Conclusion

16. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Rauworth et al. (US Patent 6955185, fig. 7) and Fallon (US Patent 4612952, fig. 1-10) disclose closure and connection device combinations for a liquid tank for liquid transfer and air pressure equalization.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ATIF H. CHAUDRY whose telephone number is (571)270-3768. The examiner can normally be reached on Mon-Fri Alternate Friday off 9-5 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory Huson can be reached on (571)272-4887. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3753

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Atif H Chaudry/
Examiner, Art Unit 3753

/John Rivell/
Primary Examiner, Art Unit 3753

9/2/2008